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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
13 Against:

14 **ANGELA KATRINA HOWARD**

15 Respondent.

Case No. 2012-511

OAH No. 2012030309

**DEFAULT DECISION AND ORDER**

[Gov. Code, § 11520]

16 **FINDINGS OF FACT**

17 1. On or about February 28, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her  
18 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
19 of Consumer Affairs, filed Statement of Issues No. 2012-511 against Angela Katrina Howard  
20 (Respondent) before the Board of Registered Nursing.

21 2. On or about October 11, 2010, Respondent filed an application dated October 5,  
22 2010, with the Board of Registered Nursing to obtain a Registered Nurse License.

23 3. On or about October 20, 2011, the Board issued a letter denying Respondent's  
24 application for a Registered Nurse License. On or about October 25, 2011, Respondent appealed  
25 the Board's denial of her application and requested a hearing.

26 4. On or about March 1, 2012, Praveen K. Singh, an employee of the Department of  
27 Justice, served by Certified and First Class Mail a copy of the Statement of Issues No. 2012-511,  
28 Statement to Respondent, Request for Discovery, copies of Government Code sections 11507.5,

1 11507.6, and 11507.7, Respondent/Applicant's Notice of Designation of Counsel (two blank  
2 copies), and Respondent/Applicant's Notice of Withdrawal of Request for Hearing (two blank  
3 copies) to Respondent's address on the application form. A copy of the Statement of Issues is  
4 attached as exhibit A, and is incorporated herein by reference.

5 5. Service of the Statement of Issues was effective as a matter of law under the  
6 provisions of Government Code section 11505, subdivision (c).

7 6. On or about October 25, 2011, Respondent appealed the denial of her application and  
8 requested a hearing in this action. A Notice of Hearing was served by mail at Respondent's  
9 address on the application and it informed her that an administrative hearing in this matter was  
10 scheduled for October 10, 2012. On August 24, 2012, Respondent submitted a request to  
11 withdraw her appeal and request for hearing.

12 7. Business and Professions Code section 118 states, in pertinent part:

13 (a) The withdrawal of an application for a license after it has been filed with a  
14 board in the department shall not, unless the board has consented in writing to such  
15 withdrawal, deprive the board of its authority to institute or continue a proceeding  
16 against the applicant for the denial of the license upon any ground provided by law or  
17 to enter an order denying the license upon any such ground.

18 8. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions  
21 or upon other evidence and affidavits may be used as evidence without any notice to  
22 respondent; and where the burden of proof is on the respondent to establish that the  
23 respondent is entitled to the agency action sought, the agency may act without taking  
24 evidence.

25 9. Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on  
27 evidence on file herein, finds that the allegations, in Statement of Issues No. 2012-511 are true.

#### 28 DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Angela Katrina Howard has  
subjected her application for a Registered Nurse License to denial.

2. Service of Statement of Issues No. 2012-511 and related documents were proper and  
in accordance with the law.

1           3.    The agency has jurisdiction to adjudicate this case by default.

2           4.    The Board of Registered Nursing is authorized to deny Respondent's application for  
3 licensure based upon the following violations alleged in the Statement of Issues:

4               a.    Code sections 2736, 2761, subdivision (f), and 480, subdivisions (a)(1) and  
5 (a)(3)(A): Criminal Conviction;

6               b.    Code sections 2736, 2761, subdivision (a), 2762, subdivision (b), and 480,  
7 subdivision (a)(3)(A): Use of Alcoholic Beverages to an Extent or in a Manner Dangerous or  
8 Injurious to Oneself, Others, and the Public;

9               c.    Code sections 2736, 2761, subdivision (a), 2762, subdivision (c), and 480,  
10 subdivision (a)(3)(A): Conviction Related to the Consumption of Alcoholic Beverages; and

11              d.    Code sections 2736, 2761, subdivision (a), 2762, subdivision (a), and 480,  
12 subdivision (a)(3)(A): Self-Administration of Controlled Substances.

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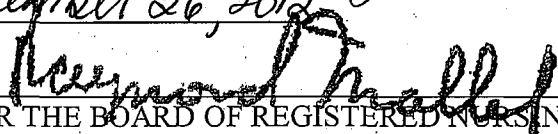
## ORDER

IT IS SO ORDERED that the application for Registered Nurse License, filed by Respondent Angela Katrina Howard, is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 25, 2013.

It is so ORDERED

December 26, 2012  
  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

### Attachment:

- Exhibit A: Statement of Issues No. 2012-511  
Exhibit B: Withdrawal of Request for hearing

**Exhibit A**

**Statement of Issues No. 2012-511**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
4 State Bar No. 209545  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-8311  
Facsimile: (916) 327-8643  
7 Attorneys for Complainant

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. **2012-511**

12 **ANGELA KATRINA HOWARD**  
21220 Andover  
13 Southfield, MI 48076

**STATEMENT OF ISSUES**

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely  
19 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing  
20 ("Board"), Department of Consumer Affairs.

21 2. In or about October 11, 2010, the Board received an application for a registered nurse  
22 license from Angela Katrina Howard ("Respondent"). On or about October 5, 2010, Respondent  
23 certified under penalty of perjury to the truthfulness of all statements, answers, and  
24 representations in the application. The Board denied the application on October 20, 2011.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2736 provides, in pertinent part, that  
27 the Board may deny a license when it finds that the applicant has committed any acts constituting  
28 grounds for denial of licensure under section 480 of that Code.

1 4. Code section 2761 states, in pertinent part:

2 The board may take disciplinary action against a certified or licensed  
3 nurse or deny an application for a certificate or license for any of the following:

4 (a) Unprofessional conduct ...

5 ....

6 (f) Conviction of a felony or of any offense substantially related to the  
7 qualifications, functions, and duties of a registered nurse, in which event the record of  
the conviction shall be conclusive evidence thereof ...

8 5. Code section 2762 states, in pertinent part:

9 In addition to other acts constituting unprofessional conduct within the  
10 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
person licensed under this chapter to do any of the following:

11 (a) Obtain or possess in violation of law, or prescribe, or except as  
12 directed by a licensed physician and surgeon, dentist, or podiatrist administer to  
himself or herself, or furnish or administer to another, any controlled substance as  
13 defined in Division 10 (commencing with Section 11000) of the Health and Safety  
Code or any dangerous drug or dangerous device as defined in Section 4022.

14 (b) Use any controlled substance as defined in Division 10 (commencing  
15 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
16 in a manner dangerous or injurious to himself or herself, any other person, or the  
public or to the extent that such use impairs his or her ability to conduct with safety to  
17 the public the practice authorized by his or her license.

18 (c) Be convicted of a criminal offense involving the prescription,  
consumption, or self administration of any of the substances described in subdivisions  
19 (a) and (b) of this section, or the possession of, or falsification of a record pertaining  
to, the substances described in subdivision (a) of this section, in which event the  
20 record of the conviction is conclusive evidence thereof ...

21 6. Code section 2765 states:

22 A plea or verdict of guilty or a conviction following a plea of nolo  
23 contendere made to a charge substantially related to the qualifications, functions and  
duties of a registered nurse is deemed to be a conviction within the meaning of this  
24 article. The board may order the license or certificate suspended or revoked, or may  
decline to issue a license or certificate, when the time for appeal has elapsed, or the  
25 judgment of conviction has been affirmed on appeal or when an order granting  
probation is made suspending the imposition of sentence, irrespective of a subsequent  
26 order under the provisions of Section 1203.4 of the Penal Code allowing such person  
to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
27 the verdict of guilty, or dismissing the accusation, information or indictment.

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1 7. Code section 480 states, in pertinent part:

2 (a) A board may deny a license regulated by this code on the grounds that  
3 the applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this  
5 section means a plea or verdict of guilty or a conviction following a plea of nolo  
6 contendere. Any action that a board is permitted to take following the establishment  
7 of a conviction may be taken when the time for appeal has elapsed, or the judgment  
8 of conviction has been affirmed on appeal, or when an order granting probation is  
9 made suspending the imposition of sentence, irrespective of a subsequent order under  
10 the provisions of Section 1203.4 of the Penal Code.

11 (3)(A) Done any act that if done by a licentiate of the business or  
12 profession in question, would be grounds for suspension or revocation of license.

13 (B) The board may deny a license pursuant to this subdivision only if the  
14 crime or act is substantially related to the qualifications, functions, or duties of the  
15 business or profession for which application is made . . .

16 8. Health and Safety Code section 11170 states that no person shall prescribe,  
17 administer, or furnish a controlled substance for himself.

18 **CONTROLLED SUBSTANCE**

19 9. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety  
20 Code section 11054, subdivision (d)(13).

21 **FIRST CAUSE FOR DENIAL**

22 **(Criminal Conviction)**

23 10. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
24 subdivision (f), and 480, subdivisions (a)(1) and (a)(3)(A), in that on or about October 11, 2007,  
25 in the criminal proceeding titled *State of Michigan v. Angela Katrina Howard* (5204 Jud. Dist.,  
26 2007, Case No. 07-002775), Respondent pled guilty to operating a vehicle while under the  
27 influence of alcohol ("OWI"), a misdemeanor. The circumstances of the crime are as follows:  
28 On or about April 12, 2007, an officer with the Troy Police Department ("TPD") observed a  
vehicle weaving heavily and riding the brake for approximately one half mile. The officer  
initiated a traffic stop and made contact with the driver, Respondent. The officer observed that  
Respondent's eyes were glassy and smelled a strong aroma of intoxicants coming from inside the  
vehicle. The officer had Respondent exit the vehicle, and smelled a strong aroma of intoxicants



1 on her breath. The officer had Respondent perform field sobriety tests, then placed her under  
2 arrest for OWI. The officer transported Respondent to the TPD lockup. Later, a paramedic  
3 withdrew 2 vials of blood from Respondent for drug/alcohol testing. Respondent was determined  
4 to have a blood alcohol level of 0.17 percent.

5 **SECOND CAUSE FOR DENIAL**

6 (Use of Alcoholic Beverages to an Extent or in a Manner  
7 Dangerous or Injurious to Oneself, Others, and the Public)

8 11. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
9 subdivision (a), 2762, subdivision (b), and 480, subdivision (a)(3)(A), in that on or about April  
10 12, 2007, she used or consumed alcoholic beverages to an extent or in a manner dangerous or  
11 injurious to herself, others, and the public, as set forth in paragraph 10 above.

12 **THIRD CAUSE FOR DENIAL**

13 (Conviction Related to the Consumption of Alcoholic Beverages)

14 12. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
15 subdivision (a), 2762, subdivision (c), and 480, subdivision (a)(3)(A), on the grounds of  
16 unprofessional conduct, in that on or about October 11, 2007, she was convicted of a criminal  
17 offense involving the consumption of alcoholic beverages, as set forth in paragraph 10 above.

18 **FOURTH CAUSE FOR DENIAL**

19 (Self-Administration of Controlled Substances)

20 13. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
21 subdivision (a), 2762, subdivision (a), and 480, subdivision (a)(3)(A), on the grounds of  
22 unprofessional conduct, in that she self-administered an unknown quantity of the controlled  
23 substance marijuana without lawful authority therefor, as follows: On or about August 24, 2011,  
24 Respondent underwent a pre-employment drug screen at the direction of Cross Country  
25 TravCorps (Respondent was to begin an assignment at Cedars Sinai Medical Center).  
26 Respondent failed the drug screen in that she tested positive for marijuana.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Angela Katrina Howard for a registered nurse license;
2. Taking such other and further action as deemed necessary and proper.

DATED: February 28, 2012 Stacie Bern

for LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SA2011103296

**Exhibit B**

**Withdrawal of Request for Hearing**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

**ANGELA KATRINA HOWARD**  
21220 Andover  
Southfield, MI 48076

Respondent.

Case No. 2012-511

**RESPONDENT / APPLICANT'S NOTICE  
OF WITHDRAWAL OF REQUEST FOR  
HEARING**

In accordance with California Code of Regulation, title 1, section 1014(c), a party withdrawing a request for hearing, shall immediately notify the Office of Administrative Hearings and all parties. I understand that a hearing will be held upon the charges made in the Statement of Issues unless I notify the Board of Registered Nursing that I do not want the hearing previously requested on the denial of my Registered Nurse License application.

IF YOU WISH TO WITHDRAW YOUR NOTICE OF DEFENSE OR REQUEST FOR A HEARING, PLEASE DO SO BY DATING AND SIGNING BELOW AND DELIVERING OR MAILING THIS FORM TO:

Anahita S. Crawford  
Deputy Attorney General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550

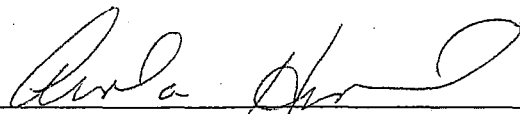
TO THE BOARD OF REGISTERED NURSING:

I, the undersigned Respondent in this proceeding, hereby acknowledge receipt of a copy of the Statement of Issues; the Statement to Respondent; Respondent/Applicant's Notice of Designation of Counsel (2 copies); Respondent/Applicant's Notice of Withdrawal of Request for Hearing (2 copies); Request for Discovery; and Discovery Statutes.

I withdraw my letter requesting a hearing.

8.24.12

Date



Signature

Angela Howard

Print Name